

# NO. 03-23-00209-CV

TEXAS COURT OF APPEALS  
THIRD DISTRICT, AT AUSTIN

FILED IN  
3rd COURT OF APPEALS  
AUSTIN, TEXAS  
5/15/2024 12:51:45 PM

JEFFREY D. KYLE  
Clerk

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ALEX E. JONES AND FREE SPEECH SYSTEMS, LLC,  
*APPELLANTS*

v.

NEIL HESLIN AND SCARLETT LEWIS,  
*APPELLEE*

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ON APPEAL FROM CAUSE NUMBER D-1-GN-18-001835  
459<sup>th</sup> DISTRICT COURT, TRAVIS COUNTY, TEXAS  
HON. MAYA GUERRA GAMBLE

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## **AGREED MOTION FOR ABATEMENT OF DEADLINES, OR IN THE ALTERNATIVE, EXTENSION OF TIME**

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Appellees submit this Motion to Abate Deadlines, or in the alternative,  
Motion for Extension of Time, and would show the Court as follows:

1. As this Court is aware, the parties have been working towards completion of highly complex bankruptcy proceedings. The parties have been engaged in discussions for a consensual settlement plan. The parties are optimistic about a resolution to the claims.

2. Unfortunately, multiple developments arose that have again delayed the proceedings. For instance, circumstances arose which required the corporate debtor to secure new counsel, with the consent of the creditors. The necessity of new counsel required delay so that counsel could familiarize themselves with the exceptionally voluminous bankruptcy record. Further events in the court's scheduling beyond the parties' control have also delayed the final resolution of the bankruptcy plans currently under consideration.

3. Appellees' brief is due to be filed in June 2024. Unfortunately, it appears that deadline would still require the parties to devote potentially unnecessary effort to this appeal prior to the completion of a settlement.

4. Given the parties' prior extensions and the unpredictability of this process, the parties believe that a temporary abatement of the appeal would be the most efficient way to allow the parties to complete alternative resolution without causing unnecessary depletion of the bankruptcy estate, while also preventing unnecessary effort by this Court and its staff.

5. The parties therefore request an abatement of deadlines in this appeal until the completion of the bankruptcy plan confirmation hearing. The parties propose that Appellee's response brief be due 40 days following receipt of notice from the parties that the plan confirmation hearing has occurred. At

that time, the parties will inform this Court whether this appeal can be dismissed or must be litigated.

6. Alternatively, if the Court is not amenable to abatement, the parties ask the Court's indulgence for an additional 90-day extension of the deadline to help facilitate the resolution of this important case. The parties remain hopeful that no such brief will ever be filed, and the appeal will soon be dismissed.

7. If the settlement fails and the appeal must continue, the parties have further agreed to request the Court to maintain an extended time for filing Appellees' reply brief from 20 days to 30 days, as previously ordered.<sup>1</sup>

### **PRAYER**

For the reasons above, the parties jointly ask the Court for an abatement of deadlines as set forth above, or in the alternative, that the deadline for Appellee's response brief should be extended by 90 days, and that deadline for filing Appellants' reply brief remain extended from 20 days to 30 days.

Respectfully submitted,

**KASTER LYNCH FARRAR & BALL, LLP**



MARK D. BANKSTON  
State Bar No. 24071066

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<sup>1</sup> In a prior order, this Court granted the parties' agreed request to extend the reply brief deadline from 20 to 30 days.

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**CERTIFICATE OF CONFERENCE**

I hereby certify that I conferred with counsel with Appellants, and they are agreed to the relief sought in this motion.



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MARK D. BANKSTON

**CERTIFICATE OF SERVICE**

I hereby certify that on May 15, 2024, the forgoing document was served upon all counsel of record via electronic service.



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MARK D. BANKSTON

**EXHIBIT 4****Automated Certificate of eService**

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Andrew Grant on behalf of Mark Bankston

Bar No. 24071066

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Envelope ID: 87768041

Filing Code Description: Motion

Filing Description: Agreed Motion for Abatement of Deadlines, or in the Alternative, Extension of time

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